United Nations CED/C/5

International Convention for the Protection of All Persons from Enforced Disappearance

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English
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Committee on Enforced Disappearances

Guidance for the submission of an individual communication or complaint to the Committee*

General information

1.1 Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance mandates the Committee on Enforced Disappearances to receive and consider communications (complaints) from or on behalf of individuals claiming to be victims of a violation of rights protected under the Convention.

Requirements for a communication to be considered, in principle, by the Committee

2.1 The individual communication or complaint must be submitted in writing.

2.2 The communication should be submitted by or on behalf of persons who consider themselves to be victims of a violation by a State party of one or more of the rights set forth in the Convention.

2.3 The State party in question must have ratified the Convention and have declared that it recognizes the competence of the Committee to consider individual complaints, in accordance with article 31 of the Convention.[1]

2.4 The communication must not be anonymous. The identity of the victim and the author of the communication and their contact information are necessary in order for the State party to be able to respond to the allegations and for the Committee to be in contact with the victim and/or author throughout the process. However, the victim(s) and/or author may request, without prejudice to the Committee's opinion, that their identity is not disclosed in the Committee's final decision (see para. 3.2).

2.5 If the author of a communication is submitting it on behalf of other persons, the author must have those persons' written consent to do so or must establish that he or she

* Adopted by the Committee at its sixth session (17–28 March 2014).

[1] A list of the States parties to the Convention and the States that have made the declaration under article 31 can be found at:

(a) https://treaties.un.org/Pages/CNs.aspx (under "*Treaty Reference*", select "IV-16");

(b) http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CED&Lang=en.

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has a legitimate interest in doing so and that the person(s) concerned are not in a position to give their consent (no particular format is required for the presentation of this information).

2.6 All internal remedies must have been exhausted or it must be demonstrated that the application of domestic remedies would be unreasonably prolonged or that they are ineffective or inaccessible (mere doubts on the part of the author about the effectiveness or accessibility of domestic remedies is not sufficient).

2.7 The same matter must not have been examined under another procedure of international investigation or settlement of the same nature (for example, the Human Rights Committee; the Committee against Torture; or regional human rights mechanisms such as the Inter-American Commission on Human Rights, the European Court of Human Rights, the African Commission on Human and Peoples' Rights or the African Court on Human and Peoples' Rights).

Disclosure of the identity of the victim and/or author

3.1 The communication will be brought to the attention of the State party concerned on a confidential basis so that the State party may advise the Committee of its position on the matter and present its arguments. This entails the disclosure of the identity of the victim and the author to State authorities, but means that the individual complaint cannot be published by the Committee.

3.2 The Committee's final decisions or Views are made public. Therefore, if the author does not want their identity and/or that of the victim(s) to be disclosed in the final decision, authors should advise the Committee of this on the at ..ched form or as soon as possible in the course of its consideration of the communication.

Interim and protection measures

4.1 Interim measures may be adopted in very serious and urgent cases to request that the State in question adopt measures to prevent irreparable damage to the persons concerned or to other parties. The author of a communication may ask the Committee to request interim measures:

- In the communication;
- At any time after the communication has been submitted to the Committee, so long as the request is made prior to the adoption of a final decision or Views.

4.2 An author may, at any stage of the process, also request the adoption of protection measures on behalf of the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation.

General recommendations

5.1 The author of the communication should use the form provided below and should answer the questions it contains as fully as possible. Authors should:

- Provide a detailed and clear description of the facts of the case in chronological order;
- Specify how the author considers the rights protected under the Convention to have been violated and the articles of the Convention that they believe have been violated;
- Provide the full names of all the institutions that are mentioned in the communication (security forces, government agencies, etc.), and not only abbreviations;
- Limit the communication to a maximum of 30 pages (not counting any annexes);

- Fill out the form on a computer (or typewriter). If that is not possible, complete it by hand in block capitals;
- Provide the Committee with all the information considered to be useful for a proper examination of the case, even if this is done after the initial submission of the communication. Copies of all available supporting documentation should be attached.

5.2 Communications may be submitted in any one of the six official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Annexes will only be considered if they are submitted in one of these languages (an unofficial translation is sufficient).

5.3 Further information on the Convention and the Committee's rules of procedure is available on the web page of the Office of the United Nations High Commissioner for Human Rights.[2]

How to send communications

6.1 **By post:**

Petitions and Inquiries Section/Committee on Enforced Disappearances
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10, Switzerland

6.2 **By fax:** +41 22 917 90 22

6.3 **By e-mail:** petitions@ohchr.org.

[2] See www.ohchr.org/EN/HRBodies/ced/Pages/CEDIndex.aspx.

Committee on Enforced Disappearances

Form for the submission of a communication

Individual complaints

The following form provides guidance for people wishing to submit a communication (individual complaint) to the Committee on Enforced Disappearances in accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance.

Please answer each of the questions on the form. Your communication should not exceed 30 pages in length (not counting any annexes). The dotted lines after each subparagraph should be replaced with the corresponding text.

If necessary, the Committee will try to communicate with the family or relatives of the disappeared person. Consequently, their contact details will be required.

1. The State party concerned

.....

2. If the author of the communication is not the victim of the alleged violation(s)

2.1 Surname: .....

2.2 Given name(s): .....

2.3 Contact information: .....

- Address: .....
- Telephone: .....
- E-mail: .....

2.4 Do you agree to your identity being disclosed in the Committee's final decision regarding the communication submitted in this case?

Yes ☐ No ☐

2.5 If this communication is being submitted with the written consent of the victim(s) or any person who has a legitimate interest in submitting this communication, please provide documentation attesting thereto: .....

2.6 If the communication is being submitted without the consent of the victim(s), please explain why you believe that this communication can be submitted on behalf of that person or persons and why you have a legitimate interest in submitting such a request, providing the reasons why the persons concerned are not able to give their consent. Please also describe your relationship with the victim(s): .....
.....
.....
.....

3. Presumed victim(s)

The following information should be provided, to the extent possible, for each of the presumed victims for which the communication is being submitted

3.1 Surname: .....

3.2 Given name(s): .....

3.3 Pseudonyms, if any (aliases, nicknames or other names by which the person is known): .....

3.4 Nationality: .....

3.5 Sex/Gender: M ☐ F ☐ Other: .....

3.6 Date of birth: .....

3.7 Was the person below 18 years of age at the time of the events to which this communication refers?

Yes ☐ No ☐

3.8 Country and place of birth: .....

3.9 Parents' names (optional): .....

3.10 Contact information:

- Usual address: .....
- Telephone: .....
- E-mail: .....

3.11 Number of identity document (passport, national identity document, voter's card or other): .....

3.12 Marital status:

Single: ☐ Married: ☐ Consensual union: ☐
Separated/divorced: ☐ Widow/widower: ☐

3.13 Name of spouse/partner (optional): .....

3.14 Does the person have children? Yes ☐ No ☐

If so, how many? .....

Age of children: .....

3.15 In cases of disappearance: Was the victim pregnant when she disappeared?

Yes ☐ No ☐

If so, specify the approximate stage of pregnancy in months at the time of the disappearance: .....

3.16 Does the disappeared person belong to an indigenous or national minority group, a political party or movement, trade union, religious group, human rights group, NGO, the lesbian, gay, bisexual, transgender or intersex (LGBTI) community or to another group? (optional) .....

3.17 Does the disappeared person have a disability? (Optional)

Yes ☐ No ☐ If so, what type of disability? .....

3.18 Profession: .....

3.19 Occupation or trade at the time of the events to which the communication refers: .....

.....

3.20 Previous employment activities and other relevant activities (optional): .....

.....

3.21 Do you object to having the victim's identity disclosed in the Committee's final decision regarding this communication?

Yes ☐ No ☐

4. Description of the facts at the time of the disappearance

4.1 Nature of the violation referred to in the communication:.....

.....

.....

4.2 Articles of the Convention that have allegedly been violated by the State:.....

.....

4.3 Dates of the events to which the communication refers: .....

.....

4.4 In cases of disappearance:

(a) Place where the disappearance occurred:.....

(b) Date and place where the person was last seen if they differ from the date and place of the person's disappearance: .....

4.5 A detailed description, in chronological order, of the facts of the case; rights of the Convention that have been violated and why: .....

.....

.....

4.6 Person(s) presumed to be responsible for the events to which the communication refers:

(a) Indicate the government force or authority to which the person(s) presumed to be responsible for these events belong and why you believe that they are responsible: .....

.....

.....

.....

(b) If the persons presumed to be responsible for the events in question cannot be identified as agents of the State, explain why you believe that government authorities or persons associated with them are responsible for those events (for example, if you believe that they acted with the authorization, support or acquiescence/approval of the State):.....

.....

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.....

4.7 Information on the context and manner in which the events occurred (include any element related to the local or regional context, the particular situations in which any risk to the victim was identified, whether similar events have taken place in the country recently, particularly in relation to relatives or persons close to the victim, or whether situations have been observed outside the victim's daily life):.....
.....
.....
.....
.....

5. Exhaustion of effective available domestic remedies

5.1 Describe every action taken by or on behalf of the alleged victim(s) to exhaust domestic remedies related to the violations of the rights in the Convention cited in this communication:

Actions taken and by whom:.....
.....
.....

Aim of every action taken:.....
.....
.....

Type(s) of remedies pursued:.....
.....
.....

Date(s) on which these actions were taken: .....
.....
.....

Authorities or institutions approached: .....
.....
.....

Place(s): .....
.....
.....

Results:.....
.....
.....

If domestic remedies have not been exhausted, explain why. In particular, if you believe that the application of domestic remedies would be unreasonably prolonged or that they are ineffective or inaccessible, explain why (mere doubts on the part of the author about the effectiveness or accessibility of domestic remedies is not sufficient):.....
.....
.....

5.2 In the case of disappearance:

(a) Steps taken to locate the disappeared person, including the competent authorities or institutions that have been contacted:

Actions taken and by whom:.....
.....

.....

Date(s) on which these actions were taken: .....

.....

.....

Competent authorities or institutions approached: .....

.....

.....

Measures adopted and results obtained: .....

.....

.....

(b) If it has not been possible to take any action to locate the disappeared person, explain why: .....

.....

.....

5.3 Attach copies of all relevant documentation (including administrative and/or judicial decisions).

6. Other international procedures

The same matter must not have been examined under another procedure of international investigation or settlement of the same nature (see paragraph 2.6 under "General information"). However, an author may submit a communication relating to the same matter if the author cites violations that have not been cited before. In such cases, please indicate the following:

6.1 Has the same matter been submitted under another procedure of international investigation or settlement?

Yes ☐ No ☐

6.2 If so, specify:

The international mechanism to which the case has been submitted: .....

.....

.....

Date of submission of the case: .....

.....

.....

Type of procedures involved: .....

.....

.....

Claims made/violations cited: .....

.....

.....

Results: .....

.....

.....

6.3 Attach copies of all relevant documentation.

7. Request for interim and/or protection measures

7.1 Would you like the Committee to request that the State take **interim measures** in order to avoid irreparable damage to the victim(s) of the alleged violation(s), or to other parties in the case?

Yes ☐ No ☐

7.2 If so:

(a) Describe the risk run by the victims or other parties in the case: .....
.....
.....
.....

(b) Describe what type of irreparable damage might be caused:.....
.....
.....

(c) Indicate what measures could be taken by the State to avoid possible irreparable damage:.....
.....

7.3 Would you like the Committee to request that the State adopt **protection measures**?

Yes ☐ No ☐

7.4 If so:

(a) Describe the personal risk run by the complainant, witnesses, relatives of the disappeared person or their defence counsel, or by persons participating in the investigation (for example, pressure or acts of intimidation or reprisal): .....
.....
.....

(b) Indicate what protection measures could be taken by the State to avoid these risks:
.....
.....

8. Date, place and signature

8.1 Date and place: .....

8.2 Signature of the author: .....

9. List of attached documents (never send originals)

.....
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